

108TH CONGRESS  
1ST SESSION

# H. R. 1103

To improve air cargo security.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2003

Mr. SCHIFF (for himself, Mr. MCINNIS, Mr. CASE, and Mr. BELL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To improve air cargo security.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Air Cargo Security  
5       Act”.

6       **SEC. 2. INSPECTION OF CARGO CARRIED ABOARD PAS-**  
7       **SENGER AIRCRAFT.**

8       Section 44901(f) of title 49, United States Code, is  
9       amended to read as follows:

10       “(f) CARGO.—

1           “(1) IN GENERAL.—The Under Secretary of  
 2           Transportation for Security shall establish systems  
 3           to screen, inspect, or otherwise ensure the security  
 4           of all cargo that is to be transported in—

5                   “(A) passenger aircraft operated by an air  
 6                   carrier or foreign air carrier in air transpor-  
 7                   tation or intrastate air transportation; or

8                   “(B) all-cargo aircraft in air transpor-  
 9                   tation and intrastate air transportation.

10           “(2) STRATEGIC PLAN.—The Under Secretary  
 11           shall develop a strategic plan to carry out paragraph  
 12           (1).”.

13   **SEC. 3. AIR CARGO SHIPPING.**

14           (a) IN GENERAL.—Subchapter I of chapter 449 of  
 15           title 49, United States Code, is amended by adding at the  
 16           end the following:

17   **“§ 44922. Regular inspections of air cargo shipping**  
 18                   **facilities**

19           “The Under Secretary of Transportation for Security  
 20           shall establish a system for the regular inspection of ship-  
 21           ping facilities for shipments of cargo transported in air  
 22           transportation or intrastate air transportation to ensure  
 23           that appropriate security controls, systems, and protocols  
 24           are observed, and shall enter into arrangements with the  
 25           civil aviation authorities, or other appropriate officials, of

1 foreign countries to ensure that inspections are conducted  
 2 on a regular basis at shipping facilities for cargo trans-  
 3 ported in air transportation to the United States.”.

4 (b) ADDITIONAL INSPECTORS.—The Under Secretary  
 5 for Transportation Security may increase the number of  
 6 inspectors as necessary to implement the requirements of  
 7 title 49, United States Code, as amended by this subtitle.

8 (c) CONFORMING AMENDMENT.—The chapter anal-  
 9 ysis for chapter 449 of title 49, United States Code, is  
 10 amended by adding at the end the following:

“44922. Regular inspections of air cargo shipping facilities.”.

11 **SEC. 4. CARGO CARRIED ABOARD PASSENGER AIRCRAFT.**

12 (a) IN GENERAL.—Subchapter I of chapter 449 of  
 13 title 49, United States Code, is further amended by adding  
 14 at the end the following:

15 **“§ 44923. Air cargo security**

16 “(a) DATABASE.—The Under Secretary of Transpor-  
 17 tation for Security shall establish an industry-wide pilot  
 18 program database of known shippers of cargo that is to  
 19 be transported in passenger aircraft operated by an air  
 20 carrier or foreign air carrier in air transportation or intra-  
 21 state air transportation. The Under Secretary shall use  
 22 the results of the pilot program to improve the known  
 23 shipper program.

24 “(b) INDIRECT AIR CARRIERS.—

1           “(1) RANDOM INSPECTIONS.—The Under Sec-  
2       retary shall conduct random audits, investigations,  
3       and inspections of indirect air carrier facilities to de-  
4       termine if the indirect air carriers are meeting the  
5       security requirements of this title.

6           “(2) ENSURING COMPLIANCE.—The Under Sec-  
7       retary may take such actions as may be appropriate  
8       to promote and ensure compliance with the security  
9       standards established under this title.

10          “(3) NOTICE OF FAILURES.—The Under Sec-  
11       retary shall notify the Secretary of Transportation  
12       of any indirect air carrier that fails to meet security  
13       standards established under this title.

14          “(4) SUSPENSION OR REVOCATION OF CERTIFI-  
15       CATE.—The Secretary, as appropriate, shall suspend  
16       or revoke any certificate or authority issued under  
17       chapter 411 to an indirect air carrier immediately  
18       upon the recommendation of the Under Secretary.  
19       Any indirect air carrier whose certificate is sus-  
20       pended or revoked under this subparagraph may ap-  
21       peal the suspension or revocation in accordance with  
22       procedures established under this title for the appeal  
23       of suspensions and revocations.

24          “(5) INDIRECT AIR CARRIER.—In this sub-  
25       section, the term ‘indirect air carrier’ has the mean-

1       ing given that term in part 1548 of title 49, Code  
2       of Federal Regulations.

3       “(c) CONSIDERATION OF COMMUNITY NEEDS.—In  
4       implementing air cargo security requirements under this  
5       title, the Under Secretary may take into consideration the  
6       extraordinary air transportation needs of small or isolated  
7       communities and unique operational characteristics of car-  
8       riers that serve those communities.”.

9       (b) ASSESSMENT OF INDIRECT AIR CARRIER PRO-  
10      GRAM.—The Under Secretary of Transportation for Secu-  
11      rity shall assess the security aspects of the indirect air  
12      carrier program under part 1548 of title 49, Code of Fed-  
13      eral Regulations, and report the result of the assessment,  
14      together with any recommendations for necessary modi-  
15      fications of the program to the Committee on Commerce,  
16      Science, and Transportation of the Senate and the Com-  
17      mittee on Transportation and Infrastructure of the House  
18      of Representatives within 45 days after the date of enact-  
19      ment of this Act. The Under Secretary may submit the  
20      report and recommendations in classified form.

21      (c) REPORT TO CONGRESS ON RANDOM AUDITS.—  
22      The Under Secretary shall report to the Committee on  
23      Commerce, Science, and Transportation of the Senate and  
24      the Committee on Transportation and Infrastructure of  
25      the House of Representatives on random screening, au-

1 dits, and investigations of air cargo security programs  
 2 based on threat assessments and other relevant informa-  
 3 tion. The report may be submitted in classified form.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 5 are authorized to be appropriated to the Secretary of  
 6 Transportation such sums as may be necessary to carry  
 7 out this section.

8 (e) CONFORMING AMENDMENT.—The chapter anal-  
 9 ysis for chapter 449 of title 49, United States Code, is  
 10 further amended by adding at the end the following:

“44923. Air cargo security.”.

11 **SEC. 5. TRAINING PROGRAM FOR CARGO HANDLERS.**

12 The Under Secretary of Transportation for Security  
 13 shall establish a training program for any persons that  
 14 handle air cargo to ensure that the cargo is properly han-  
 15 dled and safeguarded from security breaches.

16 **SEC. 6. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.**

17 (a) IN GENERAL.—The Under Secretary of Trans-  
 18 portation for Security shall establish a program requiring  
 19 that air carriers operating all-cargo aircraft have an ap-  
 20 proved plan for the security of their air operations area,  
 21 the cargo placed aboard such aircraft, and persons having  
 22 access to their aircraft on the ground or in flight.

23 (b) PLAN REQUIREMENTS.—The plan shall include  
 24 provisions for—

1           (1) security of each carrier's air operations  
2       areas and cargo acceptance areas at the airports  
3       served;

4           (2) background security checks for all employ-  
5       ees with access to the air operations area;

6           (3) appropriate training for all employees and  
7       contractors with security responsibilities;

8           (4) appropriate screening of all flight crews and  
9       persons transported aboard all-cargo aircraft;

10          (5) security procedures for cargo placed on all-  
11       cargo aircraft as provided in section 44901(f)(1)(B)  
12       of title 49, United States Code; and

13          (6) additional measures deemed necessary and  
14       appropriate by the Under Secretary.

15       (c) CONFIDENTIAL INDUSTRY REVIEW AND COM-  
16       MENT.—

17           (1) CIRCULATION OF PROPOSED PROGRAM.—

18       The Under Secretary shall—

19           (A) propose a program under subsection

20           (a) within 90 days after the date of enactment  
21       of this Act; and

22           (B) distribute the proposed program, on a  
23       confidential basis, to those air carriers and  
24       other employers to which the program will  
25       apply.

1           (2) COMMENT PERIOD.—Any person to which  
2           the proposed program is distributed under para-  
3           graph (1) may provide comments on the proposed  
4           program to the Under Secretary not more than 60  
5           days after the date on which the proposed program  
6           is so distributed.

7           (3) FINAL PROGRAM.—The Under Secretary  
8           shall issue a final program under subsection (a) not  
9           later than 45 days after the last date on which com-  
10          ments may be provided under paragraph (2). The  
11          final program shall contain time frames for the  
12          plans to be implemented by each air carrier or em-  
13          ployer to which it applies.

14          (4) SUSPENSION OF PROCEDURAL NORMS.—  
15          Neither chapter 5 of title 5, United States Code, nor  
16          the Federal Advisory Committee Act (5 U.S.C.  
17          App.) shall apply to the program required by this  
18          section.

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